

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Civil No. 10-4851 PAM/SER

Gary Reed and Tom Vevea, as Trustees of the Minnesota Laborers Health and Welfare Fund and Minnesota Laborers Pension Fund; James Brady and Keith Kramer, as Trustees of the Minnesota Laborers Vacation Fund; Gary Reed, as Trustee of the Construction Laborers' Education, Training, and Apprenticeship Fund of Minnesota and North Dakota; and Dan Olson and Chris Born, as Trustees of the Minnesota Laborers Employers Cooperation and Education Trust; and each of their successors,

ORDER

Plaintiffs,

v.

Scott Durand, d/b/a Bear Demolition,

Defendant.

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Steven E. Rau. No objections to the Report and Recommendation were filed within the requisite time period. **IT IS HEREBY ORDERED** that :

1. Defendant Scott Durand is released from custody **on the condition that** within **10 days** of the date of Defendant's release, Durand produces for inspection and audit a complete set of the following records for the period of January 2008 through the present:
 - a. All payroll registers or journals;
 - b. All time cards;
 - c. All Internal Revenue 941 quarterly reports;

- d. All Internal Revenue W-2 and W-3 forms (to the extent that such forms are issued by the employer prior to the audit being completed);
 - e. All payments to any individual for labor services, regardless of whether the Defendant classifies such an individual as an employee or as a subcontractor;
 - f. All business checking account registers or journals;
 - g. All checking account bank statements including copies of all checks issued from the accounts;
 - h. All Minnesota quarterly unemployment reporting forms (MUTAs) and quarterly tax forms;
 - i. All records identifying the type of work performed by each employee and individual who has performed services for the Defendant; and
 - j. Defendant is further ordered to produce for inspection such additional records as are deemed necessary to the performance of such audit by representatives of the Plaintiffs;
2. Production and inspection shall occur within **10 days** of entry of this Order at the physical premises of the administrative agent, Zenith Administrators, 2520 Pilot Knob Road, Suite 325, Mendota Heights, MN 55120;
3. Should Defendant fail to fully produce all identified documents or provide good cause as to why the documents cannot be produced within **10 days**, Defendant's release from custody is revoked and a bench warrant shall be issued for Defendant's arrest pursuant to Fed. R. Civ. P. 37(b)(A)(vii).

Dated: September 22, 2011

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Judge